

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA, :

Plaintiff, : Criminal Action No.

v. : 1:16-cr-10094-LTS

ROSS MCLELLAN, :

Defendant. :

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BEFORE THE HONORABLE LEO T. SOROKIN, DISTRICT JUDGE

STATUS CONFERENCE

Tuesday, April 10, 2018
3:00 p.m.

John J. Moakley United States Courthouse
Courtroom No. 13
One Courthouse Way
Boston, Massachusetts

Rachel M. Lopez, CRR
Official Court Reporter
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A P P E A R A N C E S

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P R O C E E D I N G S

(In open court.)

THE DEPUTY CLERK: Today is April 10th, the case of United States v. Ross McLellan, criminal action 16-10094, will now appear before this Court.

Counsel, please identify themselves for the record.

MR. FRANK: Stephen Frank for the United States.
Good afternoon, Your Honor.

THE COURT: Good afternoon.

MR. WEINBERG: Martin Weinberg for the defendant, Ross McLellan.

THE COURT: Good afternoon.

Do we need to call -- is somebody calling -- I can't remember your colleague's name from Washington, but is he calling in?

MR. FRANK: Oh. Mr. Johnston. No, he's all right. I think he's fine. Thank you.

THE COURT: Sure. He can call in to any of these, if he wants, at any time.

MR. FRANK: Okay.

THE COURT: Just arrange it a little bit in advance with Maria so she knows. But it's not too hard.

MR. FRANK: I appreciate you calling him my colleague and not my overseer.

THE COURT: It seemed like last time you were his

1 overseer.

2 MR. FRANK: It did seem that way.

3 THE COURT: Usually, it's actually the course of
4 conduct that's more dispositive than the formal legal
5 definition. You can point that out to Mr. Johnston.

6 MR. FRANK: Hopefully so.

7 THE COURT: Although I'm not sure that the
8 districts are sovereign in the same sense that the states are
9 sovereign. It may be that the Southern District views itself
10 differently in that regard. But in any event.

11 So where are we?

12 MR. FRANK: Your Honor, so we have reached out to
13 various individuals through their counsel and entities. In
14 particular we reached out to WilmerHale, which was
15 representing two individual witnesses in London, and to the
16 counsel for the witness who's in the Netherlands. We've been
17 informed by their attorneys that none of those three
18 witnesses wish to make themselves voluntarily available.

19 THE COURT: Under any terms.

20 MR. FRANK: Under any terms.

21 THE COURT: Okay.

22 MR. FRANK: I should note, there is a Government
23 witness, also in London, also no longer works at -- a former
24 State Street employee -- these are former State Street
25 employees, they're not under the control of the bank. A

1 Government witness who's similarly situated, and I was
2 informed by her counsel that she likewise doesn't want to
3 make herself available. I'm not sure yet whether that is
4 limited to coming here to testify, or whether she will make
5 herself available voluntarily by video. But what I've been
6 given from my own witness --

7 THE COURT: And the other three are: We don't want
8 a trip to Boston to testify and we don't want to testify by
9 videoconference and we don't want to be deposed. We're not
10 doing anything that a -- the only thing we're doing is what
11 is required of us by a court with competent jurisdiction over
12 us required.

13 MR. FRANK: That is my understanding, Your Honor.
14 The witnesses in London made clear, at least one of them made
15 clear -- and I forget which one -- that it was, having
16 submitted to a deposition already, did not feel that she
17 should be forced to submit to another deposition.

18 THE COURT: I see.

19 MR. FRANK: Or testimony.

20 We've also reached out to the City of London police
21 on a couple of occasions and to several of the entities
22 directly. We are told by the City of London police that
23 three of the entities from which the defendant sought
24 documents have produced those documents. And I can identify
25 them to Mr. Weinberg. It's one victim and two consulting

1 firms.

2 THE COURT: Produced them to the London police?

3 MR. FRANK: Have produced them to the City of
4 London police.

5 THE COURT: Okay.

6 MR. FRANK: A third -- a fourth consulting firm is
7 expected to produce documents to the City of London police
8 soon. The City of London police has, in turn -- the
9 detective responsible has turned those documents over to
10 whoever is supposed to turn them over to counsel. And that
11 should be forthcoming, although I don't have an exact date.

12 I also reached out to another victim entity based
13 in London, directly, at Mr. Weinberg's request, and I was
14 advised by them that they are also gathering documents. It's
15 proved very cumbersome, given the nature of the requests, for
16 them to go back into their records and get these documents,
17 and I was advised that, as well, by the City of London
18 police, that all of these companies have complained.

19 But that fourth -- I'm sorry, fifth entity advised
20 me directly that they are going to be producing documents to
21 the City of London police before the end of this month.

22 THE COURT: Okay.

23 MR. FRANK: They said it would not be very
24 voluminous.

25 THE COURT: Okay.

1 MR. FRANK: So that's where we are. Apparently
2 there are yet other entities in London that have raised
3 additional questions that the City of London police have
4 tried to answer, but it is not clear whether --

5 THE COURT: In terms of what the requests are, and
6 the like.

7 MR. FRANK: I guess. I don't know what the
8 specific questions were. But I do know that, according to
9 the detective that I spoke to, he's not overly optimistic
10 that those other entities will produce documents in a
11 sufficient time frame for us to have them before trial.

12 THE COURT: Okay.

13 MR. FRANK: But at least as to five of the British
14 entities, we should have documents.

15 THE COURT: All right.

16 MR. FRANK: We've also reached out to the two Irish
17 entities directly, and we haven't heard back from them. One
18 entity, one of the companies I have been playing phone tag
19 with, and the other one we just haven't heard back from.

20 THE COURT: So one, you called them, they called
21 you. You just missed each other.

22 MR. FRANK: Correct.

23 THE COURT: They're being responsive, but you just
24 haven't connected yet.

25 MR. FRANK: That's correct. And part of it was due

1 to the Easter holiday. The particular lawyer was out all
2 week last week.

3 THE COURT: I see. And as to the other one you've
4 reached out to, you haven't heard back. And you don't know
5 if that's because of the Easter holiday is likely a big
6 holiday there and maybe a traditional time for vacation, or
7 whether he's just --

8 MR. FRANK: That's right. Actually, that one
9 Mr. Johnston reached out to. And he's done that at least
10 twice, and we have not heard back.

11 THE COURT: Okay. All right. So anything you want
12 to add, Mr. Weinberg?

13 MR. WEINBERG: I'll just add to the report that I
14 received word yesterday -- actually, early this morning, that
15 my UK lawyers received an e-mail from the home office which
16 stands between UK counsel and the City of London, informing
17 them that there were two USB drives, there were thumb drives
18 to pick up.

19 THE COURT: Good.

20 MR. WEINBERG: We'll have them, according to a
21 later e-mail by the counsel, tomorrow.

22 We don't know what's in them. In other words, I
23 don't know if it's a subset of the requests, all of the
24 requests. I don't know who they're from, and the like. I
25 can make intelligent guesses, based on Mr. Frank's summary.

1 We're going to be getting something from London, presumably
2 from three of the seven entities, I expect as early as
3 tomorrow.

4 I also should report that from the Netherlands, we
5 have gotten optimistic responses from our counsel in the
6 Netherlands, that he is expecting -- he is away on post
7 Easter vacation, but expecting some positive production over
8 the next several weeks, as a result of the letters rogatory
9 in the Netherlands.

10 I don't think either of us expect, if Your Honor
11 was to continue this trial to 2020, that the KIA would make a
12 full and complete production, although Mr. Frank sent to me
13 some additional documents he received when interviewing
14 representatives.

15 THE COURT: KIA is?

16 MR. WEINBERG: They're the Mideast sovereign wealth
17 fund.

18 THE COURT: Oh. Right.

19 MR. FRANK: One of the here before unnamed
20 entities, Your Honor.

21 THE COURT: I see.

22 MR. WEINBERG: Well known, but not identified. And
23 I would ask that those three letters be redacted from the --

24 THE COURT: All right. I will redact them from the
25 record. But they are what they are for the people who are

1 here. I can't unring the bell.

2 MR. WEINBERG: So we're moving from having zero
3 documents.

4 THE COURT: You're not going to seek to seek to
5 seal them?

6 MR. FRANK: No, Your Honor. We've made our best
7 efforts, consistent with DOJ policy, not to identify the
8 victims. Some of them have identified themselves. Others
9 have not been formally identified, but their names have been
10 in the --

11 THE COURT: I see. The reason they would be
12 redacted -- generally, we don't identify victims, except when
13 they testify at trial.

14 MR. FRANK: That's right.

15 THE COURT: So I didn't realize who they were for a
16 moment.

17 Yes, it's struck from the record, those three
18 letters that you said are sealed, and for the reasons that
19 they are victims, or, that is, a victim.

20 MR. WEINBERG: So we've gone from -- you know, from
21 zero documents and zero testimony at the time of my last
22 presentation to Your Honor, which related to certain motions
23 we were filing to ask for court orders to the Government and
24 ask for different relief. We still are at zero documents,
25 although that's -- Mr. Frank has made some supplemental

1 productions of documents that he received from two of the
2 entities during the investigation. But putting that aside,
3 putting the Government discovery aside, we're still at zero
4 documents. But I expect that to change over the next one
5 week or two weeks.

6 My concern is, you know, (a), I don't know the
7 extent to which the entities have conformed to the parameters
8 of the letters rogatory, and so I can't report the adequacy
9 of the response for even those entities that are responding.

10 Two is, we don't know what success Mr. Frank will
11 have with the two Irish entities that are -- that constitute
12 two of the six so-called victims of the bank's conduct in
13 this case. We don't have any of the Rule 15s and would
14 require time to go and pursue these three lawyers, the former
15 State Street legal counsel.

16 And I'm in a difficult position of believing that
17 this evidence is pivotal to the defense, and what additional
18 evidence, documents that I receive from Mr. Frank from his
19 interviews with two of the six victims reinforces my belief
20 that what I'm seeking is important, and important both
21 legally to certain of our legal defenses, and important
22 factually in terms of a full and fair presentation of the
23 evidence, particularly if I'm -- if the people -- if the
24 requests are relating to witnesses that Mr. Frank intends to
25 call.

1 I don't know and won't know for another ten days,
2 until we exchange our first agreed exchanges of information,
3 you know, which of the victims are going to be expected to
4 testify and which aren't. But the magnitude of the
5 importance of what I'm seeking goes up if I'm dealing not
6 just with the co-conspirators' narration of their perspective
7 of why these transitions occurred and whether they occurred
8 with or without full disclosure, but if I'm dealing with
9 witnesses that come in as so-called victims in the expected
10 testimony.

11 So I'm in a position of needing to preserve what I
12 sought by motion, but certainly agreeable or certainly think
13 it's wise to wait another several weeks and have a further
14 status conference with the Court and make a fuller report at
15 that time.

16 THE COURT: So you're saying: Don't rule on the
17 MLAT motions at the moment. Wait and see what transpires
18 from the -- it sounds like, from Mr. Frank's report, there's
19 a fair amount of additional -- some amount of additional
20 information that's coming. Some of it sounds like it's going
21 to be in your colleague's offices in London today or
22 tomorrow.

23 MR. WEINBERG: Yes.

24 THE COURT: But -- and the others might, it sounds
25 like, be following promptly on the heels of that.

1 Sort of have another status in a period of time to
2 see where we are, and simply you'd ask me don't rule either
3 way on the motions at the moment?

4 MR. WEINBERG: Well, I don't want to make that
5 request and, you know, prejudice that if the Court was
6 inclined to grant any of the motions, that we then trigger a
7 timing issue because of the Court's scheduled trial date. I
8 do believe the evidence is critical. I do believe that the
9 Court has the authority, both Constitutionally and its
10 inherent power to say to the Government, "If you want to rely
11 on" --

12 THE COURT: This is what we'll do. I think we
13 should have a status either way, whether I've resolved the
14 motions or haven't resolved the motions, just because it
15 seems like this case, it might be useful. I have the sense
16 that there's going to be a lot of motions filed in this case.
17 I could be wrong. I'm not -- I don't have a problem with
18 that.

19 MR. FRANK: Only if they're filed by the defense,
20 Judge.

21 THE COURT: What did you say?

22 MR. FRANK: Only if they're filed by the defense.

23 THE COURT: I see. That may be so.

24 MR. WEINBERG: Well, we have a long-term goal of
25 having the Government file one motion, and that's a

1 dismissal.

2 MR. FRANK: Take it under advisement, Judge.

3 MR. WEINBERG: Yes. This is not a boilerplate type
4 case.

5 THE COURT: I'm happy in any case, but certainly in
6 a case like this, which is bigger, I'm happy to see you
7 whenever it's useful. So I'm happy to see you at some future
8 time.

9 I'll take the motions under advisement, and I might
10 resolve them before then, and I might not. I certainly
11 looked at them before you came in two weeks ago, or so, and
12 I've thought about them. So I may end up resolving them
13 before then, and I may not.

14 But in the meantime, the processes that are
15 underway, that are leading you to get documents from these
16 foreign sources, were underway independent, if you will, of
17 the filing of the motions. And they won't -- they don't
18 terminate if I allow the motions, they don't terminate if I
19 deny the motions. They're happening of their own course.

20 And Mr. Frank kindly went above and beyond, he and
21 Mr. Johnston, to inquire. Maybe all these things were
22 happening, anyway, but maybe the inquiry helped. And so I
23 appreciate that.

24 So why don't we do that. Independent, if you want
25 to have a status conference, I'm happy to have a status

1 conference, if it helps.

2 MR. WEINBERG: Several other, just, loose ends, one
3 I should report. I think Mr. Frank stated in our joint
4 status report that we have reached an agreement in terms of
5 the --

6 THE COURT: Pretrial disclosures.

7 MR. WEINBERG: In terms of disclosures and exhibit
8 and witness lists that I think would provide both parties
9 with times to file motions in limine.

10 THE COURT: You had an issue about whether there
11 would be -- what kind of proposal, if any, to make about a
12 written questionnaire.

13 MR. WEINBERG: Yes.

14 THE COURT: And I haven't resolved that. And I
15 don't know that I need to decide that today. But if you --
16 if there's an agreement to a questionnaire -- if one of you
17 wants a questionnaire, as a -- which it sounds like at least
18 one of you does, as a practical matter, there's some more
19 advanced notice if I decide that a questionnaire should be
20 used. Because there's a little more work with the jury
21 office, to be sure. Then we talk about some of the
22 logistics.

23 And if one of you wants it and one doesn't, and I
24 decide no -- but I, in fairness, should try to decide that in
25 time, that if I decided that it was appropriate, we could do

1 it, rather than too late to do it. And Monday morning of the
2 trial is a little bit hard on the jury office to then tell
3 them that we're going to do questionnaire.

4 It sounds like you all are thinking ahead and on
5 the way to either resolving that issue or not resolving it or
6 presenting it to me in a form that I could decide far enough
7 in advance.

8 MR. FRANK: Well, Judge, just to be clear, what
9 we've said is we don't believe a questionnaire is necessary
10 in this case. We don't think there's anything that really
11 distinguishes it from other white collar fraud cases in that
12 regard. But that if Mr. Weinberg had three or four or five
13 questions that he really wanted to put in a questionnaire,
14 I'm sure we could work something out. If what he has in
15 mind, and what I think he did have in mind, was something
16 longer than that, then we would think that that would be
17 potentially problematic.

18 From our perspective, resolving those kinds of
19 issues earlier, and not saving them to the last minute when
20 we're going to have a lot of other things going on, would be
21 preferable.

22 THE COURT: I agree. So what I'm saying is -- I'm
23 not saying I'm doing a questionnaire or not, but I'm saying,
24 (a), I want to resolve the questionnaire far enough in
25 advance that if I say yes and don't agree with exactly what's

1 been proposed, you can edit it to conform with my order. You
2 can provide copies, we can talk to the jury office, they can
3 have it all done, and they can be ready to go in an organized
4 fashion, in synch with the way they contact people and do it.
5 So that would mean resolving it in early mid May, probably,
6 if we're starting June 4th, maybe mid May to like May 20th,
7 or something. But they need a little lead time. And even if
8 it's just lead time to know what it is and approximately how
9 long it will take to do.

10 Second, I agree with you, I would rather resolve
11 issues like that, to the extent they can be resolved earlier,
12 earlier because I think there will be more.

13 I don't know -- I'm agnostic at the moment as to
14 whether a questionnaire is useful or not. I don't know -- I
15 will say, I've done a questionnaire in one case. That case
16 was a death penalty case, so it was different than this case.
17 And you know, I'm open -- I will consider with an open mind
18 what you propose. As a general matter, in most cases, I
19 think a questionnaire is unnecessary.

20 So I don't know what -- you've thought about the
21 case, appropriately so, both of you more than me. But you're
22 thinking about why you don't think it's necessary; why maybe
23 you'd agree to a couple of questions, if it was really short,
24 but maybe not.

25 And you have whatever you have in mind, it's more

1 extensive than that.

2 So the issue would be, you know, what -- what's in
3 the questions? Why do we need to do it? What about this
4 case warrants it? And how would it be helpful to selecting a
5 fair and impartial jury? And why is it necessary, and why --
6 and without being too intrusive or too burdensome on the
7 jurors, and simply delving into a level of detail that
8 ordinarily it was not necessary.

9 I will say that even in the Sampson case, which we
10 had a questionnaire, there was -- a lot of it was extensive.
11 There are lots of things that we didn't inquire into, that I
12 have seen people ask me to inquire into on regular cases. I
13 think there was some limited questions about what media you
14 read, or something, but it doesn't -- it was fairly tailored,
15 despite it's length, to the issues that led us to try that
16 case in the first place and the kinds of evidence people
17 would be hearing and the kind of issues that -- and there you
18 have the merits and people's values intersecting in a way
19 that is a little bit different than in a typical criminal
20 case.

21 MR. WEINBERG: No question. This is not --

22 THE COURT: Right. I know you're not saying it's a
23 death penalty case.

24 MR. WEINBERG: And this is not a test on jurors'
25 understandings of the intricacies of the due process clause.

1 THE COURT: Right.

2 MR. WEINBERG: This is some biography, and then
3 questions oriented to identify the --

4 THE COURT: So if you want it, talk to Mr. Frank.
5 If you reach agreement, I'll look at it and think about it.
6 If you don't reach agreement, submit what you want, and
7 not -- submit what you want, in terms of questionnaire, and
8 why you think it's necessary and appropriate.

9 The driving considerations for me would be,
10 primarily, why. Why do we need it, and how is it going to be
11 helpful? How will it work, and what do you need? Why not?
12 Why don't we need it? Those kind of considerations. And you
13 know, to the extent it's been done in other cases, why those
14 other cases suggest I should or shouldn't do it in this case.
15 And I'll look at it.

16 Sooner is better. I think you should talk to each
17 other and propose a -- you don't have to propose to me, just
18 agree to do it. But I think Mr. Frank's right. We should do
19 it early enough to have it resolved. And I want to do it
20 early enough so that it's not a problem for the jury office,
21 if I decided that we should have some form of a
22 questionnaire.

23 MR. WEINBERG: We'll have it filed before then, at
24 least 48 hours before the next status conference. Hopefully,
25 we can reach some consensus. If we can't, I'll file a --

1 THE COURT: And I encourage you, to the extent
2 there's other issues of that nature that you think could be
3 resolved earlier, you can figure out, either among
4 yourselves, a schedule, just bring them up or file them, and
5 hopefully in a coordinated fashion of some sort, which would
6 be a little than here every day.

7 And also, if you also -- one last thing. If you
8 think there's a big motion in limine -- although I think,
9 under the schedule, ordinarily motions in limine come maybe a
10 week or two before trial. But if you think there's -- not
11 every one motion in limine that is like cross-cutting in some
12 way that, you know, is a bigger issue, that might require
13 more briefing or more time -- I don't know that there is,
14 actually, in this case. Most cases don't have such a motion,
15 even though there might be a lot of important motions in
16 limine to resolve. But if you think there's something like
17 that, I'm open to hearing it earlier or having you file it
18 earlier, or what have you, if there is such a thing in this
19 case.

20 MR. FRANK: Judge, our biggest concern is really
21 the date. We -- Mr. Weinberg and I successfully negotiated,
22 very early, from our perspective, very early pretrial
23 disclosures of exhibits and witnesses and those types of
24 things, 3500 material. But what I expressed to him is my
25 concern that, you know, the earliest of those disclosures is

1 beginning next Friday. If the trial gets pushed after that
2 on his motion, then we will be in the unfortunate position of
3 having sort of laid out our case, which we would not
4 ordinarily do.

5 THE COURT: It would be -- if it was a one-week
6 extension, it was like that date was rolled back a week,
7 without all the other dates necessarily rolling back, or what
8 have you.

9 MR. FRANK: It just has a roadmap to our case, much
10 earlier than he otherwise would. And that puts us sort of in
11 a position that we wouldn't choose to be in.

12 So I guess, from our perspective, you know, there
13 are now documents from a good number of entities that the
14 defense has sought, that are going to be produced within the
15 next several weeks.

16 THE COURT: So let me -- I don't think, at the
17 moment, there's a pending motion to continue.

18 MR. FRANK: There's not.

19 THE COURT: Okay. I didn't think there was.

20 MR. WEINBERG: Well --

21 THE COURT: You disagree?

22 MR. WEINBERG: No, it's not pending. But I want to
23 be candid with the Court, again, that --

24 THE COURT: That you're likely to ask again.

25 MR. WEINBERG: That I would like to ask, and ask at

1 a time when it can be more concrete. And what I have told
2 Mr. Frank is we have reciprocal exchanges on April the 20th,
3 the 45th day before the scheduled trial, where he will get my
4 expert disclosure. And there are several that will provide
5 the Government with a preview of significant issues from the
6 defense perspective. And I will be getting from Mr. Frank a
7 witness list that will essentially tell me -- you know, most
8 of the witnesses are well known, but some are not. I'll
9 learn from that.

10 And what I'm getting that could impact the
11 continuance motion is certain discovery of witnesses that
12 Mr. Frank is not intending to use, and whether or not I would
13 want to use them.

14 THE COURT: Let me be totally transparent. There
15 was a motion to continue that I denied, that Mr. Weinberg
16 made on his client's behalf, I think after -- if I'm
17 remembering right, after the filing of the superseding
18 indictment that added the additional count. He filed a
19 motion, you filed an opposition. I looked at it, and I
20 considered it, and I said I'm not continuing the trial.

21 We had a hearing on certain motions. I don't think
22 it was the last hearing, but it might have been, in which, in
23 the course of it orally, he raised for continuance, of a
24 form. And I think then, I said no. So in my view, trial is
25 on, on June 4th. There's no pending motion for a

1 continuance. Nothing that I've heard to date has caused me
2 to think, *sua sponte*, I should change anything that I've
3 said.

4 That said, I think Mr. Weinberg has been accurate
5 in what he just said, that he certainly indicated that
6 intends to seek a further continuance. That's his right. He
7 can seek a continuance at any time. You all can file any
8 motion that you want, pretty much at any time, and I'll look
9 at it. And he can file it, and he's being transparent and
10 saying he's going to do it. And I'm not prejudging the
11 motion to continue; that is, I'll read the motion, and look
12 at what it says and decide based on what it says. So I'm not
13 making a promise -- I'll make the promise that I'm going to
14 consider it, in light of the totality of the circumstances
15 and the record and under the applicable law, and make the
16 best judgment that I can. But I'm not promising that I will
17 or I won't do it. But I'm being -- this is what I've done.
18 This is where we are. This is what I've been thinking about.

19 And I assume, as a general -- ordinarily, there's a
20 certain narrowing process that occurs, but I don't know what
21 I'm going to learn -- I'm going to learn. Certainly, this is
22 a case where there was a superseding indictment that added a
23 charge, and I thought, given the timing and the totality of
24 the circumstances, it wasn't appropriate or necessary or
25 warranted to continue the trial date.

1 I have had cases where there was superseding
2 indictments that didn't add new charges, and I thought, given
3 the nature of the circumstances, it was appropriate to
4 continue it. Different circumstances, different issues,
5 different time period, different facts. There was a variety
6 of different circumstances.

7 So I -- I understand what your -- if you will, the
8 dilemma that you see yourself in, Mr. Frank, that you, in
9 part, agreed to this schedule because the trial date is when
10 it is. And I'm not -- I'll consider -- if he files the
11 motion, I'll consider it with an open mind, in light of all
12 that's come before, where we are in the case and what I've
13 thought about. But I'm unlikely to deny the motion, because
14 it would give him a leg up in the roadmap way. And I'm not
15 likely to rule on the motion, either way, in light of that.
16 I'm unlikely to rule on it, given the sort of other
17 considerations; that is, how long, what the issue is, why,
18 why not, all those other considerations. I would certainly
19 consider that if I thought it was a tactic.

20 MR. FRANK: No.

21 THE COURT: And you're not suggesting that, and I
22 know that. I know you're not. And I don't think it's that.
23 But that's a different way that would be relevant.

24 So I don't know what to say other than I'm
25 proceeding like we're on for June 4th.

1 Is that the date? That Monday?

2 MR. WEINBERG: Yes.

3 THE COURT: There's no other case that I have on in
4 June scheduled for trial, on June 4th or on any other day in
5 June. I'm not scheduling anything else in June, because
6 you've told me that it's probably three weeks and it could be
7 four, so I'm reserving the whole time, four.

8 That's the transparent part. What I will decide,
9 if and when the motion is filed, I can't say because I don't
10 know.

11 MR. FRANK: Thank you, Your Honor.

12 MR. WEINBERG: Thank you, Your Honor. I would just
13 add that any motion will be brought significantly before
14 June 4th, to prevent --

15 THE COURT: Right. I understand. Anything else we
16 can talk about today?

17 MR. WEINBERG: No.

18 MR. FRANK: Not from the Government, Judge.

19 THE COURT: Oh. Status conference. So when should
20 I set another date for it?

21 MR. WEINBERG: I would say the week of April 23rd,
22 if that's a week.

23 THE COURT: Yes, that's like two weeks from this
24 past Monday. So how about --

25 Not Monday, Maria, but in that week.

1 THE DEPUTY CLERK: How about the 24th, Tuesday, at
2 2 o'clock?

3 THE COURT: Fine.

4 Does that work for you, Mr. Frank?

5 MR. FRANK: That does, Your Honor.

6 THE COURT: Is that one of those Judge Bowler green
7 books?

8 MR. FRANK: Does she use these?

9 THE COURT: Can you hold it up?

10 MR. FRANK: It's a record book.

11 THE COURT: I think hers are legal sized.

12 MR. FRANK: Just to look old school.

13 THE COURT: I tried to use those, but my hand
14 writing wasn't good enough.

15 All right.

16 MR. WEINBERG: Thank you, Your Honor.

17 THE COURT: We're adjourned. Thank you very much.
18 Have a good day.

19 THE DEPUTY CLERK: All rise. This matter is
20 adjourned.

21 (Court in recess at 3:29 p.m.)
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23
24
25

CERTIFICATE OF OFFICIAL REPORTER

I, Rachel M. Lopez, Certified Realtime Reporter, in and for the United States District Court for the District of Massachusetts, do hereby certify that pursuant to Section 753, Title 28, United States Code, the foregoing pages are a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 7th day of January, 2019.

/s/ RACHEL M. LOPEZ

Rachel M. Lopez, CRR
Official Court Reporter